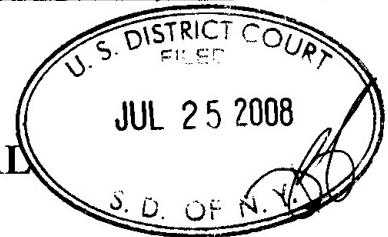


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Document #

24

U.S.C.A. #

U.S.D.C. # 07-cv-2805JUDGE: JCFDATE: JULY 25, 2008

INDEX TO THE RECORD ON APPEAL

PREPARED BY (NAME): THOMAS R. PISARCZYK
 FIRM: U.S. DISTRICT COURT - SOUTHERN DISTRICT OF NEW YORK
 ADDRESS: 500 PEARL STREET, ROOM 370
NEW YORK, NEW YORK 10007
 PHONE NO.: (212) 805 - 0636

DISTRICT COURT DOCKET ENTRIES

DOCUMENT DESCRIPTION	DOC. #
CLERK'S CERTIFICATE	
SEE ATTACHED LIST OF NUMBERED DOCUMENTS	
** ONLY CIRCLED DOCUMENTS ARE INCLUDED **	
** ALL OTHERS MISSING AT THIS TIME **	

Original Record

Supplemental Record

The record in the above entitled case was indexed to the U.S.C.A.
for the Second Circuit on the 25TH Day of July, 2008.

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

Supta
-v-
Comm. of S. S.

U.S.C.A. # _____
U.S.D.C. # 07-w-2805
JUDGE: JCF
DATE: JULY 25, 2008

Clerk's Certificate

I, J. Michael McMahon, Clerk of the Court of the United States District Court for the Southern District of New York, do hereby certify that the certified copy of the docket entries and the original filed papers numbered 1 Through 23, inclusive, constitutes the Original record on appeal in the above entitled proceedings except for the following missing documents:

<u>Date Filed</u>	<u>Document Description</u>
	BALANCE OF FILE MISSING AT THIS TIME

In Testimony Whereof, I have caused the seal of said Court to be hereunto affixed, at the City of New York, this 25TH Day of July In this year of our Lord, Two Thousand and Eight, and the Independence of the United States this 233RD year.

J. Michael McMahon, Clerk

By _____

[Signature]
Deputy Clerk

APPEAL, CASREF, CLOSED, MAGCONSENT, PRO-SE

U.S. District Court
United States District Court for the Southern District of New York (Foley Square)
CIVIL DOCKET FOR CASE #: 1:07-cv-02805-JCF
Internal Use Only

Gupta v. Commissioner of Social Security
Assigned to: Magistrate Judge James C. Francis
Cause: 42:405 Review of HHS Decision (DIWC)

Date Filed: 04/06/2007
Date Terminated: 03/11/2008
Jury Demand: None
Nature of Suit: 863 Social Security: DIWC/DIWW
Jurisdiction: U.S. Government Defendant

Date Filed	#	Docket Text
04/06/2007	1	COMPLAINT against Commissioner of Social Security. (Filing Fee \$ 350.00, Receipt Number 611093) Document filed by Vinay K. Gupta.(tro) (Entered: 04/09/2007)
04/06/2007		SUMMONS ISSUED as to Commissioner of Social Security, U.S. Attorney and U.S. Attorney General. (tro) (Entered: 04/09/2007)
04/06/2007		Magistrate Judge James C. Francis is so designated. (tro) (Entered: 04/09/2007)
06/15/2007	2	ENDORSED LETTER addressed to Judge Lewis A. Kaplan from Michael J. Garcia dated 6/8/07 re: This Office represents the Commissioner of Social Security we respectfully request that defendant's time to answer or move be extended sixty days to August 7, 2007. ENDORSEMENT: GRANTED. So Ordered. (Signed by Judge Lewis A. Kaplan on 6/12/07) (js) (Entered: 06/18/2007)
06/18/2007	3	ORDER REFERRING CASE TO MAGISTRATE JUDGE. Order that case be referred to the Clerk of Court for assignment to a Magistrate Judge for Social Security. Referred to Magistrate Judge James C. Francis. (Signed by Judge Lewis A. Kaplan on 6/15/2007) (jpo) (Entered: 06/19/2007)
08/24/2007	4	ANSWER to Complaint. Document filed by Commissioner of Social Security.(jco) (Entered: 08/27/2007)
08/28/2007	5	ORDER DefendantMotions due by 10/31/2007, Plaintiff Responses due by 11/30/2007, Defendant Replies due by 12/14/2007. If all parties wish to consent to final disposition by a United States Magistrate Judge, the enclosed form should be signed and returned. SO ORDERED. (Signed by Judge James C. Francis on 8/28/2007) (jmi) (Entered: 08/29/2007)
11/01/2007	6	MOTION for Judgment on the Pleadings and dismissing complaint. Document filed by Commissioner of Social Security.(djc) (Entered: 11/05/2007)
11/01/2007	7	MEMORANDUM OF LAW in Support re: 6 MOTION for Judgment on the Pleadings. Document filed by Commissioner of Social Security. (djc) (Entered: 11/05/2007)
11/21/2007	8	CONSENT TO JURISDICTION BY A US MAGISTRATE JUDGE by Vinay K. Gupta, Commissioner of Social Security. (Case No Longer Referred to Magistrate Judge) CASE ASSIGNED to Magistrate Judge James C. Francis. (Signed by Judge Lewis A. Kaplan on 11/19/07) (kco) (Entered: 11/27/2007)
11/21/2007	9	ORDER REFERRING CASE TO MAGISTRATE JUDGE. Order that case be referred to the Clerk of Court for assignment to a Magistrate Judge for Consent under 28 U.S.C. 636(c) for all purposes (including trial). Referred to Magistrate Judge James C. Francis. (Signed by Judge Lewis A. Kaplan on 11/19/07) (kco) (Entered: 11/27/2007)
11/26/2007	10	ENDORSED LETTER addressed to Judge James C. Francis IV from Mr. Vinay K. Gupta dated 11/14/07 re: plaintiff request an extension of time to 12/26/07 - was due 11/30/07. ENDORSEMENT: Application granted. In addition defendants shall submit any reply by 1/15/07. (Replies due by 1/15/2007. Responses due by 12/26/2007) (Signed by Magistrate Judge James C. Francis on 11/20/07) (pl) (Entered: 11/29/2007)
12/26/2007	11	MOTION for rejoinder to motion and pleadings by SSA re: 6 MOTION for Judgment on the Pleadings. Document filed by Vinay K. Gupta.(jco) (Entered: 01/30/2008)
02/21/2008	12	ENDORSED LETTER addressed to Magistrate Judge James C. Francis from Vinay K. Gupta dated 2/19/08 re: Plaintiff requests until 3/14/08 to respond to defendant's letter dated 1/25/08. ENDORSEMENT: Application granted, notwithstanding the fact that sur-replies are not normally permitted. No extension of the March 14, 2008 date will be permitted. Plaintiff is reminded that any information submitted must be relevant to the specific issues presented by the Commissioner's decision. (Signed by Magistrate Judge James C. Francis on 2/21/08) (tro) (Entered: 02/21/2008)
02/28/2008	15	LETTER addressed to Magistrate Judge James C. Francis from John E. Gura Jr. dated 1/25/2008 re: This Office represents the Commissioner of Social Security, defendant in the above-referenced action. We write to advise the Court that we are in receipt "Plaintiff's Rejoinder to Motion and Pleadings by SSA, and respectfully submit this letter in response to plaintiff's submission. Document filed by Commissioner of Social Security.(jmi) (Entered: 03/18/2008)
03/07/2008	13	MEMORANDUM AND ORDER granting 6 Motion for Judgment on the Pleadings. The Commissioner's motions is granted. The Clerk of Court is respectfully requested to enter judgment in favor of the defendant and close the case. (Signed by Magistrate Judge James C. Francis on 3/7/08) Copies Mailed By Chambers.(tro) (Entered: 03/07/2008)
03/07/2008		Transmission to Judgments and Orders Clerk. Transmitted re: 13 Order on Motion for Judgment on the Pleadings, to the Judgments and Orders Clerk. (tro) (Entered: 03/07/2008)
03/11/2008	14	CLERK'S JUDGMENT in favor of Commissioner of Social Security against Vinay K. Gupta that deft's motion for judgment on the pleadings is granted. (Signed by J. Michael McMahon, Clerk on 3/11/08) (jf) (Additional attachment(s) added on 3/11/2008: # 1 notice of right to appeal) (jf). (Entered: 03/11/2008)
03/19/2008	16	ENDORSED LETTER addressed to Magistrate Judge James C. Francis from Mr. Vinay K. Gupta dated 3/17/08 re: On March 14, 2008 I went to the Pro Se window with the Sur-Rejoinder which they refused to accept. I have adhered to March 14, 2008 even though I have not been able to obtain all the cases I wanted. This Sur-Rejoinder cites some highly important cases including several from World Court, which

		the US lost to UN, Nicaragua, Mexico, Paraguay and Germany for its violations of international conventions. Also a very recent US S ct case Fed Express vs. Holiweck and 14 others identical issues to mine. ENDORSEMENT: Plaintiff may submit his surreply directly to Chambers if necessary. I will consider it as a motion to vacate the judgment provided it is submitted by March 28, 2008. (Signed by Magistrate Judge James C. Francis on 3/18/08) (js) (Entered: 03/19/2008)
04/02/2008	17	MEMORANDUM AND ORDER: Therefore, the Government's motion for judgment on the pleadings is once again granted for the reasons stated in that opinion, and the Clerk of Court is respectfully requested to enter a new judgment and close the case. (Signed by Magistrate Judge James C. Francis on 4/2/08) Copies Mailed By Chambers.(tro) (Entered: 04/02/2008)
04/02/2008		Transmission to Judgments and Orders Clerk. Transmitted re: 17 Order, to the Judgments and Orders Clerk. (tro) (Entered: 04/02/2008)
04/02/2008	18	SURREPLY Document filed by Vinay K. Gupta.(docketed as surreply pursuant to attached instructions from Chambers (djc) (Entered: 04/02/2008)
04/03/2008	19	CLERK'S JUDGMENT That for the reasons set forth in the Courts Memorandum and Order dated April; 2, 2008, the Governments motion for judgment on the pleadings is granted; accordingly, the case is closed. (Signed by J. Michael McMahon, clerk on 4/3/08) (Attachments: # 1 notice of right to appeal)(ml) (Entered: 04/03/2008)
04/04/2008	20	LETTER addressed to Magistrate Judge James C. Francis from Vinay K. Gupta dated 4/1/2008 re: Post Script to Sur-Rejoinder Filed Mar 28, 2008. Material New Evidence - Summary Enclosed - Earlier There only was reference to it - Request for (A Brief) Pre-Trial Meeting with One of Your Law-Clerks. Document filed by Vinay K. Gupta.(jmi) (Entered: 04/07/2008)
04/07/2008		Mailed notice of Right to Appeal to Pro Se Litigant: Vinay K. Gupta and to Attorney(s) of Record: Michael J. Garcia. (ama) (Entered: 04/07/2008)
05/16/2008	21	DECLARATION IN SUPPORT OF REQUEST TO PROCEED IN FORMA PAUPERIS. Document filed by Vinay K. Gupta.(lac) (Entered: 05/20/2008)
05/16/2008	23	NOTICE OF APPEAL from 19 Clerk's Judgment. Document filed by Vinay K. Gupta. Copies mailed to attorney(s) of record: A.U.S.A. (tp) Modified on 7/25/2008 (tp). (Entered: 07/25/2008)
05/16/2008		Appeal Remark as to 23 Notice of Appeal filed by Vinay K. Gupta. NO FEE. IFP GRANTED 6/10/08. (tp) (Entered: 07/25/2008)
06/10/2008	22	MEMO ENDORSEMENT on REQUEST TO PROCEED IN FORMA PAUPERIS. ENDORSEMENT: Let the applicant proceed on appeal without prepayment of costs or fees or the necessity of giving security thereof. (Signed by Magistrate Judge James C. Francis on 6/10/08) (tro) (Entered: 06/10/2008)
07/25/2008		Transmission of Notice of Appeal and Certified Copy of Docket Sheet to US Court of Appeals re: 23 Notice of Appeal. (tp) (Entered: 07/25/2008)
07/25/2008		Transmission of Notice of Appeal to the District Judge re: 23 Notice of Appeal. (tp) (Entered: 07/25/2008)